

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

1. CAPTION OF ACTION

ZHANE Y. STRONG,

Plaintiff,

CIVIL RIGHTS COMPLAINT

-against-

MUNICIPAL CITY OF LOCKPORT;
MUNICIPAL COUNTY OF NIAGARA;
J. HAYES, Social Services Worker;
A. Irons-Rindfleisch, Niagara County Sheriff
Investigator;
BRANDY DENOTE, Social Service Worker;
SUSAN B. BJORNHOLM, Assistant District Attorney;
WILLIAM WATSON, Lockport City Court Judge,
BRIAN D. SEAMAN, Niagara County District Attorney;

Defendants;



COMPAINT DOCKET.
NO,

22 CV 238 JLS

2. STATEMENT OF JURISDICTION, VENUE AND NATURE OF SUIT

A. BASIS OF JURISDICTION IN FEDERAL COURT: 42 USC §1982, 1981(a), 1986;
28 USC 1331, 1343(3) & (4), pendent jurisdiction over state law claims
pursuant to United Mine Workers v Gibbs, 383 US 715, 726-727 (1966)
42 USC §1985(3)

B. Basis of jurisdiction in Western District: Material events occurred
in Western District of New York and parties reside therein.

C. Nature of suit: Civil rights violations, defamation of character,
deprivation of federally protected rights, conspiracy.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION

Name of Plaintiff: ZHANE Y. STRONG

Present Address: 1357 SOUTH AVENUE, NIAGARA FALLS, NEW YORK 14301

DEFENDANTS' INFORMATION:

NAME OF DEFENDANT: MUNICIPAL CITY OF LOCKPORT, NEW YORK

Present Address: 1 LOCKS PLAZA, LOCKPORT, NEW YORK 14094

NAME OF SECOND DEFENDANT: MUNICIPAL COUNTY OF NIAGARA

Present Address: COUNTY ATTORNEY OFFICE, 175 HAWLEY STREET, LOCKPORT,
NEW YORK 14094

Name of THIRD DEFENDANT: J. HAYES, SOCIAL WORKER

Present Address: 20 EAST AVENUE, LOCKPORT, NEW YORK 14094

NAME OF FOURTH DEFENDANT: A. Irons-Rindfleisch, Niagara County Sheriff
Investigator

Present Address: NIAGARA COUNTY SHERIFF'S DEPARTMENT, 5526 NIAGARA STREET EXT., LOCKPORT, NEW YORK 14094

NAME OF FIFTH DEFENDANT: BRANDY DENOTE, Social Service Worker
Present Address: 301 TENTH STREET, NIAGARA FALLS, NEW YORK 14303

NAME OF SIXTH DEFENDANT: SUSAN B. BJORNHOLM, ASSISTANT DISTRICT ATTORNEY
Present Address: DISTRICT ATTORNEY, NIAGARA COUNTY, 175 HAWLEY STREET, LOCKPORT, NEW YORK 14094

NAME OF SEVENTH DEFENDANT: WILLIAM WATSON, LOCKPORT CITY COURT JUDGE
Present Address: 1 LOCKS PLAZA, LOCKPORT, NEW YORK 14094

NAME OF EIGHTH DEFENDANT: BRIAN D. SEAMAN, Niagara County District Attorney
Present Address: Courthouse, 175 Hawley Street, Lockport, New York 14094

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURTS

PREVIOUS LAWSUITS: NONE

5. STATEMENT OF CLAIM

FIRST CLAIM: On March 12, 2018, I was 18 years old [REDACTED] and was enrolled in Niagara Falls High School as a student. I also resided with my father, PAUL STRONG.

According to information and belief, my enrollment in High School made me eligible for SNAP (SUPPLEMENTAL NUTRITION ASSISTANCE) benefits. This is well known by Department of Social Services employees and is stated in regulations such as 18 NYCRR 387.1

Also, as a Student I was eligible for SNAP benefits for being in a state/ federally funded work-study program; or worked for an average of 20 hours per week and was paid for such work.

I was employed by Tops Markets from [REDACTED] to [REDACTED] and received an average of 20 hours pay per week which, again, made me eligible for SNAP benefits.

Yet, despite my clear eligibility for SNAP in various ways, the defendants acted together to falsify claims that including me as SNAP eligibility by my father was fraud and criminal thereby creating a pall of suspicion that I was involved in criminal activity when in fact no crime or fraud was committed because I was in fact eligible to receive SNAP benefits.

I have no criminal record and the fraudulent use of my name to bring criminal charges against my father who acted legally in all respects defames my character and damages my reputation. I am currently enrolled in a college and intend to seek a career in the field of criminal justice.

Notably, under Title 18 NYCRR 387.14 "Determination of Supplemental Nutrition Assistance Program (SNAP) eligibility" it states that (a) A household's eligibility is determined by considering the household's circumstances for the entire month during which the application is made".

The regulation goes on to state the following:

(5) Categorically eligibility)

(1) Categorically eligible households are exempted from the gross and net income limits as defined in section 387.10 of this part. Categorically eligible households are presumed, without further investigation or limitations or verification, to meet the resource limits as set forth in section 389.9 of this Part as a result of all members of the household being eligible for family assistance, nonemergency safety net assistance and/or SSI.

My family included at the relevant time a total of five siblings including my self all of whom were eligible for the SNAP family assistance at the relevant time of 3/12/2018 to September 2018.

The defendants all participated in filing felony and misdemeanor complaint.; against my father PAUL STRONG who committed no crime at all. The defendants relied on fabricated, falsified, blatantly untrue claims that because my name was included in the SNAP application a crime was being committed.

Further, it has been clearly established law for more than thirty-five years since 1984 that where a prosecution is based on known false evidence such prosecution is void and cannot stand. See, e.g., People v Pelchat, 62 NY2d 97 (1984) (reversing and dismissing a criminal indictment where the prosecutor presented false evidence to the Grand Jury and holding that the resultant indictment was rendered fatally defective and that the error was non-waivable mandating dismiss of the indictment even though no prior motion was made and the issue was raised for the first time on direct appeal in that case)

The filing of false charges based solely on the fraudulent, malicious and blatantly untrue claim that I was ineligible for the SNAP benefits makes void the criminal prosecution similar to the case of People v Pelchat, supra. Such clearly established law deprives the defendants of any of the defenses of absolute and qualified immunity and other defenses.

This claim is based on the 14th Amendment's Due Process and Equal Protection Clauses and is made against all named defendants who all acted under color of state or local law pursuant to 42 USC §1983.

The defendants all acted in concert with each other by making sworn affidavits, felony complaints, conducting criminal prosecutions and related conduct fraudulently, intentionally and/or recklessly claiming I was not eligible for the SNAP benefits and implicating my name in a void and fraudulent criminal matter and taking no action to prevent the wrongs being perpetrated.

SECOND CLAIM; This claim adopts and incorporates factual allegations set forth under the "FIRST CLAIM" as though fully set forth here and asserts that defendants' actions were knowingly taken against me and my family who are all Black African American Citizens. The acts of fraud, lies and deception fairly support a claim of racial discrimination by the actors. To the extent that any defendant might claim they did not commit the acts involved, that is countered by assertions that all defendants knew of the fraud and/or recklessly disregarded the fraud thereby making them liable under state law tort principles. See, e.g., *Brown v State of New York*, 89 NY2d 172, 652 NYS2d 223 (1996) (holding that the court has jurisdiction pursuant to New York State Constitution, Art.1, §§ 11,12 to imply a remedy from constitutional provisions or legislation and Section 874A of the Restatement (Second) of Torts)

Federal courts have jurisdiction over state law claims pursuant to *United Mine Workers v Gibbs*, 383 US 715, 726-727 (1956)

Accordingly, this Second Claim asserts a state law Tort/Negligence Claim against the municipal defendants based on actions of their municipal policymaking officials who may be held liable for a single act done by a policymaker. See *Pembaur v City of Cincinnati*, 472 US 1986 (which establishes that municipalities can be held liable even for a single decision that is improperly made by municipal policymakers)

THIRD CLAIM: This claim adopts and incorporates the factual allegations set forth under the "FIRST CLAIM" as though full set forth here and asserts that defendants' actions indicate a class-based, invidiously discriminatory animus against Black African American families which may be inferred from the fraud, deception, lies and recklessness which are indicated in this case.

This claim is brought pursuant to 42 USC §1985(3) as a conspiracy to deprive me of Equal Protection of the Laws in violation of the Equal Protection Clause of the 14th Amendment based on a class-based, invidious discriminatory animus.

FOURTH CLAIM: This claim adopts the factual allegations set forth under the "FIRST CLAIM" and incorporates them as though full set forth here and asserts that defendants had a duty to prevent a known section 1985(3) conspiracy that is involved herein (SEE CLAIM THREE ABOVE) and defendants neglected and failed to prevent such conspiracy and instead assisted in perpetuating such conspiracy by, inter alia, filing fraudulent felony and misdemeanor complaints (WHICH I POSSESS AND WILL PROVIDE TO THIS COURT) and conducting or assisting in conducted criminal prosecutions against my father PAUL STRONG using my name and fabrications that I was not eligible for SNAP benefits.

FIFTH CLAIM: This claim adopts and incorporates the factual allegations set forth under the "FIRST CLAIM" as though fully set forth here and asserts that defendants acts were fairly inferable racial acts against me and my family who are Black African American Citizens. All persons within the jurisdiction of the United States shall have the same right in every State and Territory...and to the full and equal benefit of all laws...as is enjoyed by white persons and shall be subject to like punishments...and no other". 42 USC §1981(a)

The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law. See 42 USC §1981(c).

Accordingly, this claim is based on 42 USC §1981(a), (c).

SIXTH CLAIM: This claim adopts and incorporates the factual allegations of the "FIRST CLAIM" and asserts a claim "MALICIOUS PROSECUTION" against the defendants who (a) fraudulently included my name as ineligible for SNAP benefits as the sole basis for a criminal prosecution; (b) there was a lack of reasonable and probable cause for the prosecution; (c) the prosecution ended in my favor; (d) the defendants acted maliciously with improbable motive and not to further the ends of justice. No charges were sustained and no judgment was obtained against me thus indicating my innocence. See Lanning v City of Glen Falls, No. 17-970 (2d Cir.2013); 908 F.2d 19 (there has been (1) initiation of a criminal prosecution; (2) without probable cause, (3) malice, (4) termination of the prosecution in my favor)

SEVENTH CLAIM: This claim asserts DEFAMATION OF CHARACTER as a State Law Tort claim. See Brown v State of New York, supra.

6.SUMMARY OF RELIEF SOUGHT

AD DAMNUM CLAUSE: Plaintiff requests the following relief: 1) compensatory damages of two hundred fifty thousand dollars on each cause of action to be assessed jointly and severally against the defendants in their individual and/or official capacities to be assessed in the same amount as punitive damages jointly and severally on each count/cause of action; 2) order Granting pendent jurisdiction over state law claims; (3) an order granting such further relief as may be deemed just and equitable; 4) an order directing no retaliation against me or family members for bringing this lawsuit; 5) an order directing the U.S. Marshals to serve my complaint on each named defendant; 6) an order granting a jury trial on the claims herein: 6) an order construing my complaint to give the strongest arguments suggested as provided in Second Circuit rulings.

DocuSigned by:

ZHANE STRONG

EC2E861E80324EF

Dated: March 16, 2022

ZHANE Y. STRONG (PRO SE)
1357 South Avenue
Niagara Falls, New York 14301

VERIFICATION

State of New York)

County of Niagara) SS:

ZHANE Y. STRONG, being duly sworn, deposes and says that I am the Plaintiff in the within matter and have read and know the contents of the complaint herein; that such contents are true to the best of my knowledge, except as to matters alleged upon information and belief, and as to those matters I believe them to be true.


Dated: March , 2022

SWORN TO BEFORE ME THIS

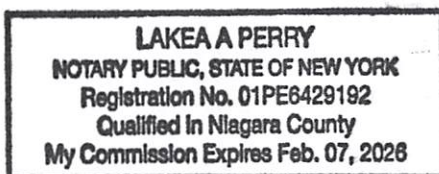
16th DAY OF March, 2022



NOTARY PUBLIC



ZHANE Y. STRONG
1357 SOUTH AVENUE
NIAGARA FALLS, NEW YORK
14301



CIVIL COVER SHEET

22 CV 238

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro Se

DEFENDANTS

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause: 42 USC 1982 28 USC 1331, 1343 - 45 715, 726-727 42 USC 1985

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

 1.75 million JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

3-22-22

SIGNATURE OF ATTORNEY OF RECORD

Shane Strong Pro Se

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE